



September 26, 2006

**SUBJECT:** Survey of Code Enforcement Priorities**REPORT IN BRIEF**

In April through July of 2006, Neighborhood Preservation staff conducted a survey asking Sunnyvale residents to prioritize ten code enforcement issues as "High Priority", "Medium Priority", "Low Priority", or "Not a Priority". (Attachment A). Residents were also provided the opportunity to list code enforcement issues that were a priority to them, but not included on the survey, in the write-in section of the survey.

A total of 439 completed surveys were received from members of neighborhood associations, the Planning Commission, the Housing and Human Services Commission, and the community at large through advertisement on the City's website and Quarterly Report.

The top five "High Priority" issues are:

1. Junk and debris stored in public view
2. Overgrown vegetation
3. Major auto repair in residential neighborhoods
4. Weeds
5. Vehicles parked on unpaved surfaces

Staff proposes to update the current list of first and second priority code enforcement issues last established in 2001, based upon the 2006 survey results. The current list of first and second priorities is included in the Background section of this report.

Updating the list will allow the Neighborhood Preservation staff to prioritize their workloads in accordance with the most current priorities of the community. Once the new priorities have been established, first priority issues will be responded to before second priority issues, primarily during peak periods when the workload is very high.

Staff recommends that the Council adopt an amendment to the two ordinances (8.16.050 *Enclosure of solid waste containers* and 19.38.030(b)(1) *Recycling and solid waste enclosures*) that require solid waste and recycling containers to be stored out of public view. This is because 70% of respondents stated that placement of trash cans on non-collection days in the side yard, behind the face of the house, in public view is either not a priority or is a low priority. It is

recommended that the ordinances state that solid waste and recycling containers must be stored out of public view or stored in the side yard of the premises behind the face of the house.

### **BACKGROUND**

On June 20, 2000, staff presented a report to the City Council entitled "A New Program: A Proactive Strategy to Neighborhood Preservation; Including a Review of Code Enforcement for Chronic Violators and Complaint-Based Enforcement."

A list of the most pressing residential neighborhood issues was included as part of this report. The list of issues was obtained from a 1999 resident opinion survey and from a series of dialogues held with residents in late 1999. One of the report recommendations was that the City Council provide feedback and direction to staff regarding the list of pressing residential neighborhood issues.

At the meeting, the City Council chose to adopt a list of code enforcement priorities for staff to enforce. They also directed staff to solicit input from neighborhood associations, the Planning Commission, and the Housing and Human Services Commission and return to the City Council at a later date so that they could amend their original list of priorities, if warranted.

On October 2, 2001, staff presented the City Council with a slightly amended list of code enforcement priorities based upon input received from neighborhood associations, the Planning Commission, and the Housing and Human Services Commission.

In response, the City Council established the following code enforcement priorities:

#### **First Priority Issues**

- Repeat Offenders
- Property Maintenance
- Vehicle Problems
- Illegal Businesses
- Levying Fines/Citations

#### **Second Priority Issues**

- Car Tents
- Property Alteration
- Excessive Front Yard Paving
- Special Needs
- Shopping Carts

The first priority items from 2001 were included in the April 2006 survey with the exception of "Repeat Offenders" and "Levying Fines/Citations". Subsequent to 2001, the Neighborhood Preservation staff developed effective policies to address repeat offenders and instituted a progressive administrative citation program. "Property Maintenance" was too broad of a category so it was broken down in more detail in the 2006 survey. In 2001, it was defined in the survey as "weeds, garbage, debris, broken fences, garbage cans, etc."

"Car Tents" and "Excessive Front Yard Paving" were not included in the 2006 survey since staff rarely receives complaints from the public regarding these issues. However, staff proactively enforces car tents as time permits and enforces the paving issue if they see it occurring or it is reported as being in progress. "Property Alteration" was better defined as "Illegal Structures" in the 2006 survey. "Special needs" issues relate to the elderly, physically or mentally disabled and were not included in the 2006 survey because staff now utilizes a multitude of resources to assist the special needs population. And, staff did not include "Shopping Carts" in the 2006 survey since the Department of Public Works (DPW) handles this issue. Furthermore, DPW has recently done extensive outreach on this issue and is scheduled to report its findings to the City Council, as part of the Study Issue process, later this year.

### **EXISTING POLICY**

The quality and vitality of the community is directly associated with the preservation and enhancement of residential and non-residential properties. The policy for code enforcement in Sunnyvale is located in the Housing and Community Revitalization Sub-Element and the Land Use and Transportation Element of the General Plan.

#### **Housing and Community Revitalization Sub-Element**

##### **Neighborhood Conditions**

GOAL B: Ensure A High Quality Living and Working Environment.

Policy B.1 Continue to encourage property owners to maintain existing developments in a manner which enhances the City. Properties should be aesthetically pleasing, free from nuisances and safe from hazards.

##### **Action Statements**

B.1.a. The City should continue to offer technical assistance to homeowners to aid them in maintaining, upgrading and improving their property. Such assistance shall be provided by staff and a free manual on maintenance and improvement.

Policy B.2. Continue to implement the Neighborhood Preservation Program.

##### **Action Statements**

B.2.a. The City should review existing codes, ordinances and use permit conditions with the possibility of increasing enforcement or developing new

codes where neighborhood and community preservation issues are involved. The emphasis, however, will be on promoting voluntary compliance.

B.2.b. For residential planning areas and defined neighborhoods having 10% of the structures rated below an "A" (sound) rating or areas with a majority of its structures over 30 years old, the City shall, if staff is available, continue its concentrated rehabilitation and code compliance program by identifying target areas, involving a strong community participation component, and using both its code enforcement powers and its rehabilitation resources.

B.2.c. The City shall coordinate the Neighborhood Preservation Program with other programs, in order to avoid duplication of activity and maximize efficiency.

B.2.d. The City should continue its Home Business Ordinance which permits businesses that do not affect the primary residential character of the neighborhood and that do not involve retail sales, large inventories, hazardous materials or traffic problems. Such businesses may not be operated in the yard or garage.

B.2.f. The City should continue to develop and implement a citizen-oriented, pro-active education program regarding neighborhood preservation.

#### Land Use and Transportation Element

Policy C1.1 Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

##### Action Statements

C1.1.1 Prepare and update land use and transportation policies, design guidelines, regulations and engineering specifications to reflect community and neighborhood values.

Policy C2.1 Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.

##### Action Statements

C2.1.1 Ensure consistency with the City's Housing and Community Revitalization Sub-Element.

C2.1.3 Promote the maintenance and rehabilitation of existing housing.

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

##### Action Statements

N1.1.5 Establish and monitor standards for community appearance and property maintenance.

Policy N1.4 Preserve and enhance the high quality character of residential neighborhoods.

##### Action Statements

N1.4.3 Encourage and support home businesses that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood.

### **DISCUSSION**

Staff conducted the Code Enforcement Issues' survey in April of 2006 in order to determine the current priorities of the Sunnyvale community (Attachment A). Sunnyvale residents were asked to prioritize ten code enforcement issues as "High Priority", "Medium Priority", "Low Priority", or "Not a Priority". Residents were also provided the opportunity to list code enforcement issues that were a priority to them, but not included on the survey, in the write-in section of the survey.

The survey was distributed to the neighborhood associations, the Planning Commission, the Housing and Human Services Commission, and the community at large through the City's website and the Quarterly Report. Staff received 439 completed surveys.

The following are the results of the 2006 Code Enforcement Issues' survey; the results also are included in pie chart format as attachments:

"High Priority" issues (Attachment B). (Item #1 is the most important issue and #10 is the least important issue to the community.):

1. Junk and debris stored in public view
2. Overgrown vegetation
3. Major auto repair in residential neighborhoods
4. Weeds
5. Vehicles parked on unpaved surfaces
6. Illegal businesses on residential properties
7. Trash cans placed at the curb or in front of the house
8. Illegal structures (garage conversions, additions, sheds etc.)
9. Illegal fences
10. Trash cans placed in the side yard, behind the face of the house, in public view

Top five "High Priority", combined with "Medium Priority", issues (Attachment C). (Item #1 is the most important issue and #2 is the second most important issue to the community):

1. Junk and debris stored in public view
2. Overgrown vegetation
3. Weeds
4. Vehicles parked on unpaved surfaces
5. Major auto repair in residential neighborhoods

Staff calculated the survey results to determine the issues in order of priority and also calculated the results to determine the top five issues that were reported as "High Priority" or "Medium Priority", by adding the two priority categories of "High Priority" and "Medium Priority" together. For example, 64.6% of respondents rated *Junk and debris stored in public view* as a "High Priority" and 21.9% rated it as a "Medium Priority"; both percentages were added together resulting in 86.5% of respondents rating *Junk and debris* as either a high or medium priority.

Both calculations resulted in the same issues being ranked 1 through 5. Only *Weeds*, *Vehicles parked on unpaved surfaces*, and *Major auto repair in residential neighborhoods* slightly changed ranking order within the top five issues. On February 27, 2007, the Planning Division is scheduled to present its findings to the City Council, as part of the Study Issue process, on the subject of *Major Auto Repair in Residential Neighborhoods*.

Updating the priorities allows the Neighborhood Preservation staff to prioritize their workloads in accordance with the most current priorities of the community. First priority issues will be responded to before second priority issues, primarily during peak periods when the workload is very high. Specific violations judged by staff to pose a threat to the health and safety of the occupants or nearby residents will be handled as first priority issues, even if they are not on the first priority list.

Updated Priorities are as follows:

First Priority Issues:

- Junk and debris stored in public view
- Overgrown vegetation
- Weeds
- Vehicles parked on unpaved surfaces
- Major auto repair in residential neighborhoods

Second Priority Issues:

- Illegal fences
- Trash cans placed at the curb or in front of the house
- Illegal structures (garage conversions, additions, sheds, etc.)
- Illegal businesses on residential properties

Top five "Low Priority", combined with "Not a Priority", issues (Attachment D). (Item #1 is the least important issue and #2 is the second least important issue to the community.):

1. Trash cans placed in the side yard, behind the face of the house, in public view
2. Illegal fences

3. Trash cans placed at the curb or in front of the house
4. Illegal structures (garage conversions, additions, sheds etc.)
5. Illegal businesses on residential properties

Staff combined "Low Priority" with "Not a Priority" issues to determine the top five categories that residents felt were not as important as other issues by adding the two priority categories of "Low Priority" and "Not a Priority" together. For example, 29.6% of respondents rated *Trash cans placed in the side yard, behind the face of the house, in public view* as a "Low Priority" and 40.8% rated it as "Not a Priority"; both percentages were added together resulting in 70.4% of respondents rating *Trash cans placed in the side yard* as either a low priority or not a priority.

*Trash cans placed in the side yard, behind the face of the house, in public view on non-collection days* was determined to be the least important issue; 70% of respondents stated that this issue is either a "Low Priority" or "Not a Priority". (Because this issue was rated significantly lower than any other issue, and it does not pose a health and safety threat, it was not included in the "Updated Priorities" listed on page six of this report.) Also, 46% of respondents rated *Trash cans placed at the curb or in front of the house on non-collection days* as a "Low Priority" or "Not a Priority".

Staff surveyed eleven other cities in close proximity of Sunnyvale to determine what their requirements are for solid waste and recycling containers. Only three of the eleven cities surveyed have ordinances requiring that solid waste and recycling containers be stored out of public view. And, one of these three cities does not enforce the ordinance; instead, they consider it acceptable to store containers at the side of the house. Nine (82%) of the eleven cities surveyed do not require, or enforce, containers to be stored out of public view. Furthermore, none of the cities surveyed proactively enforce (where staff drives around the city looking for this type of violation) the placement of solid waste and recycling containers, unless they are in the public right-of-way.

Enforcement of solid waste and recycling containers stored in public view, at the side yard behind the face of the house, can become a significant drain on staff time and reduce the time spent enforcing higher priority issues. Every year a few residents will submit a list of 50 to 100 garbage can violations in their neighborhood, most being in public view but located in the side yard, behind the face of the house. Aside from the drain on staff resources, people who receive a compliance notice from the city for their garbage cans being in public view, located at the side of the house or past the garage line, occasionally submit to staff an additional list of numerous households having garbage cans in public view. They do this because they are angry that enforcement action is being taken against them. Furthermore, many people contact the Neighborhood Preservation division to complain about the

enforcement of the ordinance when their cans are stored at the side of the house. They often state that they feel "harassed" because they received a warning letter and are required to store their cans out of public view. They often tell us that staff should be focusing its attention on more important issues and only conduct enforcement on containers that are stored at the curb or on the sidewalk.

The 2006 Code Enforcement Issues' survey also included a write-in section, providing residents with the opportunity to convey code enforcement issues that were a priority to them, but not included on the survey (Attachment E).

Top five write-in issues:

1. Shopping carts
2. Weeds
3. Speeding cars
4. Cars per household cluttering the street
5. Graffiti

The most common write-in issue was shopping carts. This issue will be addressed by the Department of Public Works later this year, as part of the Study Issue process. The other write-in issues that are not the responsibility of Neighborhood Preservation were provided to the appropriate departments for their information and evaluation.

### **FISCAL IMPACT**

There is no fiscal impact to this report.

### **CONCLUSION**

Neighborhood Preservation staff conducted a survey in April of 2006 asking Sunnyvale residents to prioritize code enforcement issues of import to them. The results of the survey revealed some differences from the 2001 priorities established by the City Council. Staff proposes to utilize the results of the new survey to reprioritize the first and second code enforcement priorities. The survey revealed that the community's lowest priority for code enforcement is trash cans stored in public view, in the side yard behind the face of the structure. Staff determined that only a few nearby cities consider such storage a property maintenance violation, and that those who do tend not to enforce it.

### **PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication in the Sunnyvale SUN and the publication of the general business public hearing items in the San Jose Mercury News, and the availability of the report at the Sunnyvale Public Library and in the Office of the City Clerk.



## **ALTERNATIVES**

1. Amend ordinances 8.16.050 *Enclosure of solid waste containers* and 19.38.030(b)(1) *Recycling and solid waste enclosures* so as to no longer require that trash cans stored in the side yard must be out of public view (as proposed by Attachment F of this report).
2. Receive this report on the community survey of code enforcement priorities and direct staff to hereafter specify in the annual proposed budget document the priorities to be used for enforcement during the fiscal year.
3. Receive this report on the community survey of code enforcement priorities and find that such surveys, now and in the future, are an important input to staff's determination of code enforcement priorities.
4. Adopt first and second priorities for code enforcement as stated below, and direct staff to return to City Council periodically to review priorities, no less frequently than every five years.

### First Priority Issues:

- Junk and debris stored in public view
- Overgrown vegetation
- Weeds
- Vehicles parked on unpaved surfaces
- Major auto repair in residential neighborhoods

### Second Priority Issues:

- Illegal fences
- Trash cans placed at the curb or in front of the house
- Illegal structures (garage conversions, additions, sheds, etc.)
- Illegal businesses on residential properties

5. Alternative #4 with modified priorities.

## **RECOMMENDATION**

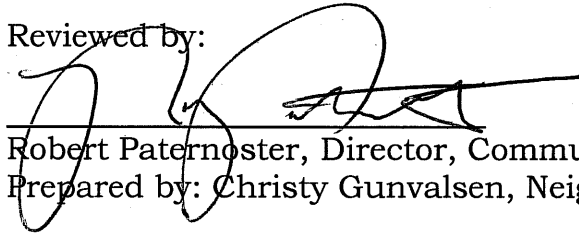
Staff recommends Alternative #1 and #2: Amend ordinances 8.16.050 *Enclosure of solid waste containers* and 19.38.030(b)(1) *Recycling and solid waste enclosures* (Attachment F) and direct staff to specify in the annual proposed budget document the priorities to be used for enforcement during the fiscal year.

Staff recommends an amendment to ordinances 8.16.050 and 19.38.030(b)(1) because 70% of respondents stated that placement of trash cans on non-collection days in the side yard, behind the face of the house, in public view is either not a priority or is a low priority. Also, enforcement poses a drain on staff resources that could be focused on issues deemed more important to the

community. It is recommended that the ordinances state that solid waste and recycling containers must be stored out of public view or stored in the side yard of the premises behind the face of the house.

Staff also recommends that Council receive this report on the community survey of code enforcement priorities and direct staff to hereafter specify in the annual proposal budget document the priorities to be used for enforcement during the fiscal year. Establishing priorities and periodically updating priorities is useful for staff because they are able to prioritize their workloads in accordance with the current desires of the community. Specifying the priorities in the proposed budget document will inform the Council and the community of the priorities proposed by staff and will provide an opportunity for comment.

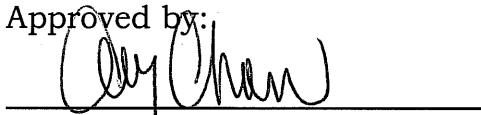
Reviewed by:



Robert Paternoster, Director, Community Development Department

Prepared by: Christy Gunvalsen, Neighborhood Preservation Manager

Approved by:



Amy Chan

City Manager

#### **Attachments**

- A. Code Enforcement Issues' survey
- B. "High Priority" issues survey results
- C. Top five "High Priority", combined with "Medium Priority", issues survey results
- D. Top five "Low Priority", combined with "Not a Priority", issues survey results
- E. Write-in issues' results
- F. Proposed ordinance change to 8.16.050 and 19.38.030(b)(1)

# **ATTACHMENT A**

**CODE ENFORCEMENT ISSUES**

Below is a list of code enforcement issues that have been identified by Neighborhood Preservation staff and the community. We would like to know which issues are of importance to you so that the Neighborhood Preservation staff can prioritize their workloads and address the highest priorities first. Please review the list of code enforcement issues and check only one priority category, such as "Medium Priority" OR "Not a Priority", for each issue.

Please check the following by priority:

High      Medium      Low      Not A  
Priority      Priority      Priority      Priority

<ul style="list-style-type: none"> <li>• <b>Junk and Debris</b> (junk, trash, furniture, equipment, etc. stored in public view, in the front and/or side yard)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Vehicles Parked on an Unpaved Surface</b> (cars, trucks, boats or RVs parked on the lawn, dirt or other unpaved surfaces)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Illegal businesses on Residential Property</b> (operating out of the home, garage, backyard or front yard without the required permits, which could cause issues such as increased traffic, employees showing up to work, etc.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Illegal Structures</b> (illegal garage conversions, additions, sheds, roof extensions, etc.; structures erected without the required permits)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Weeds</b> (in public view, in the front and/or side yard)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Overgrown Vegetation</b> (overgrown hedges or shrubs in the front yard or vegetation obstructing the sidewalk)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Illegal Fences</b> (exceeding the City's height limitation of 3 feet in the front yard and 6 feet in the side yard, without a variance or permit)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Major Auto Repair on Residential Property</b> (major work such as engine overhauls, bodywork, painting, etc.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Trash Can Placement on Non-Collection Days</b> <ol style="list-style-type: none"> <li>1. (trash cans placed at the curb or in front of the house)</li> <li>2. (trash cans placed in the side yard, behind the face of the house, but visible from the street)</li> </ol> </li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>Write in issue(s)</b> _____ _____</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thank you for your participation!**

**Please mail the completed survey to:**

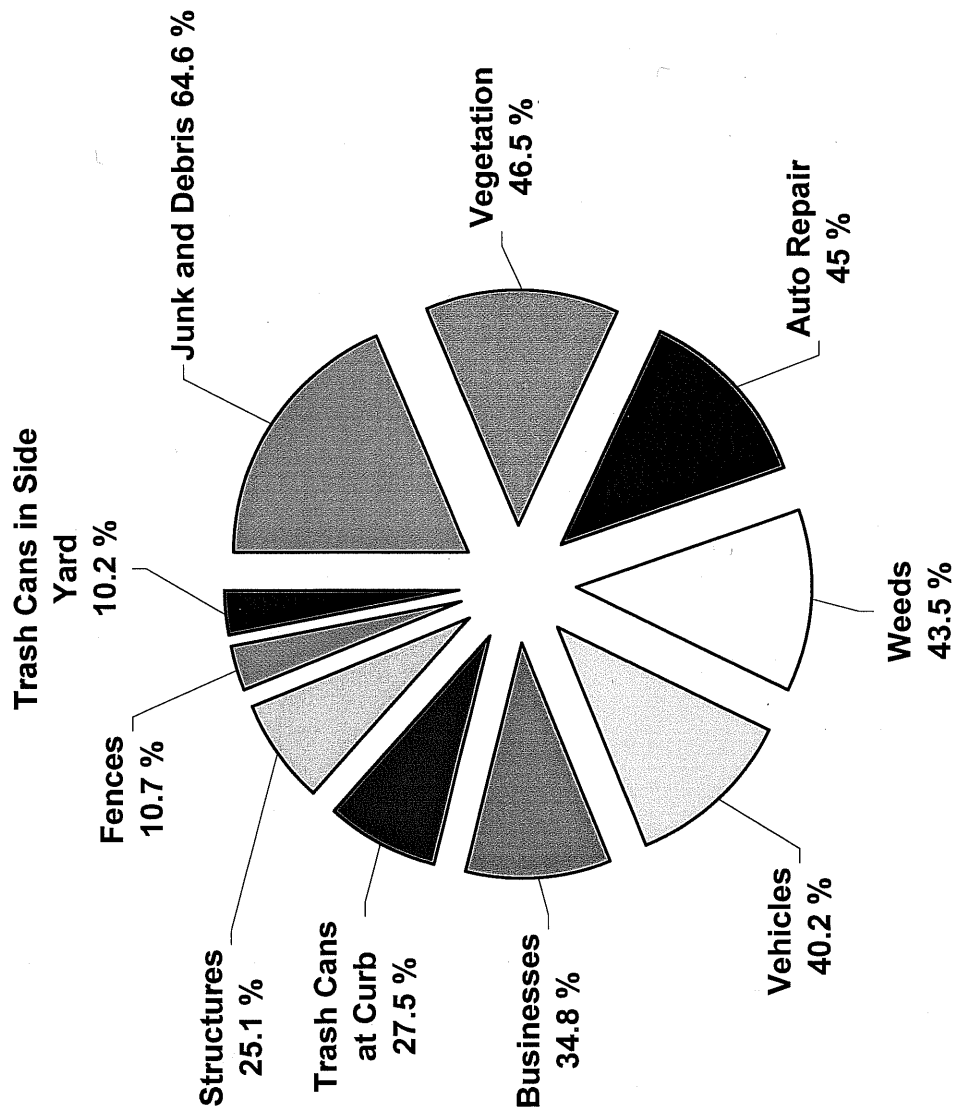
**City of Sunnyvale, Neighborhood Preservation Division**

**P.O. Box 3707**

**Sunnyvale, CA 94088-3707**

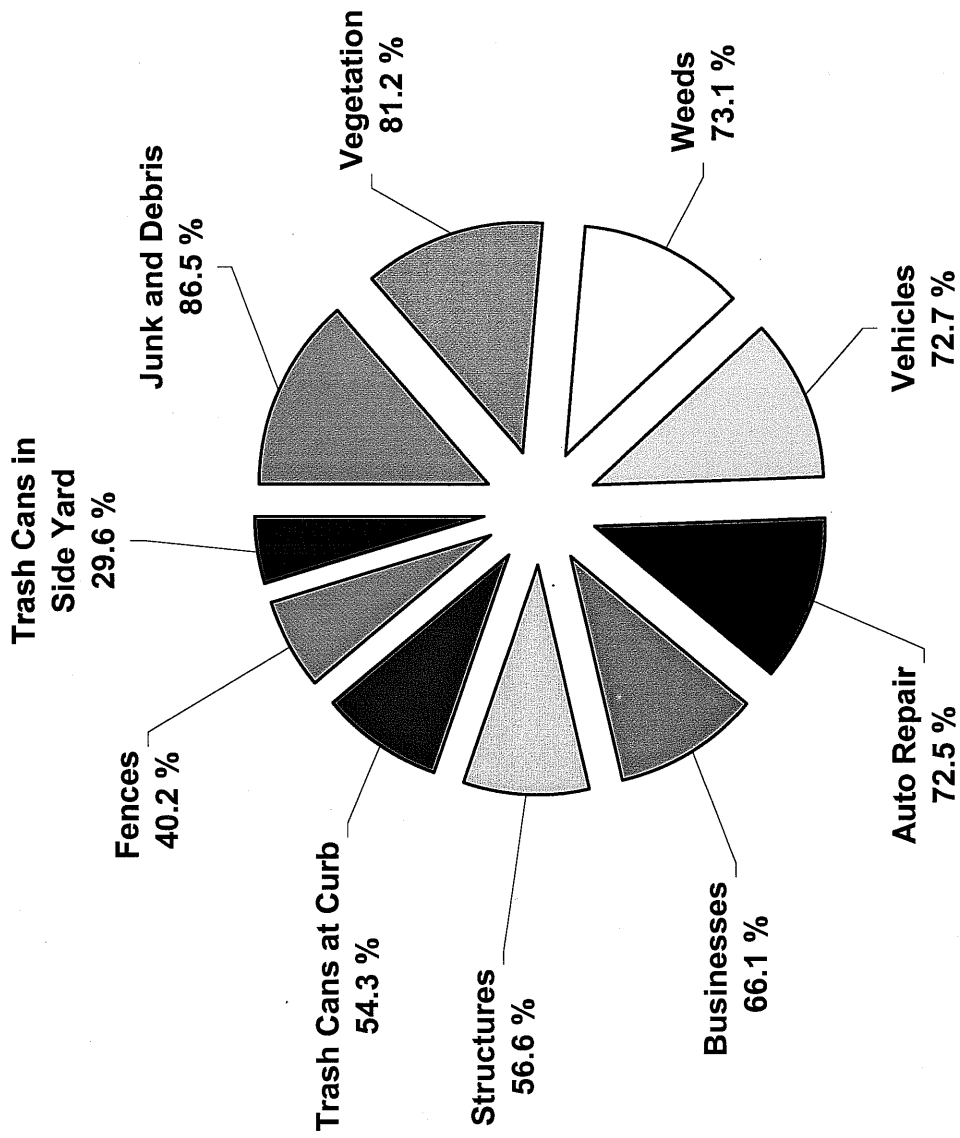
# 2006 Code Enforcement Survey

## High Priority Issues



# **ATTACHMENT C**

## 2006 Code Enforcement Survey High and Medium Priority Issues

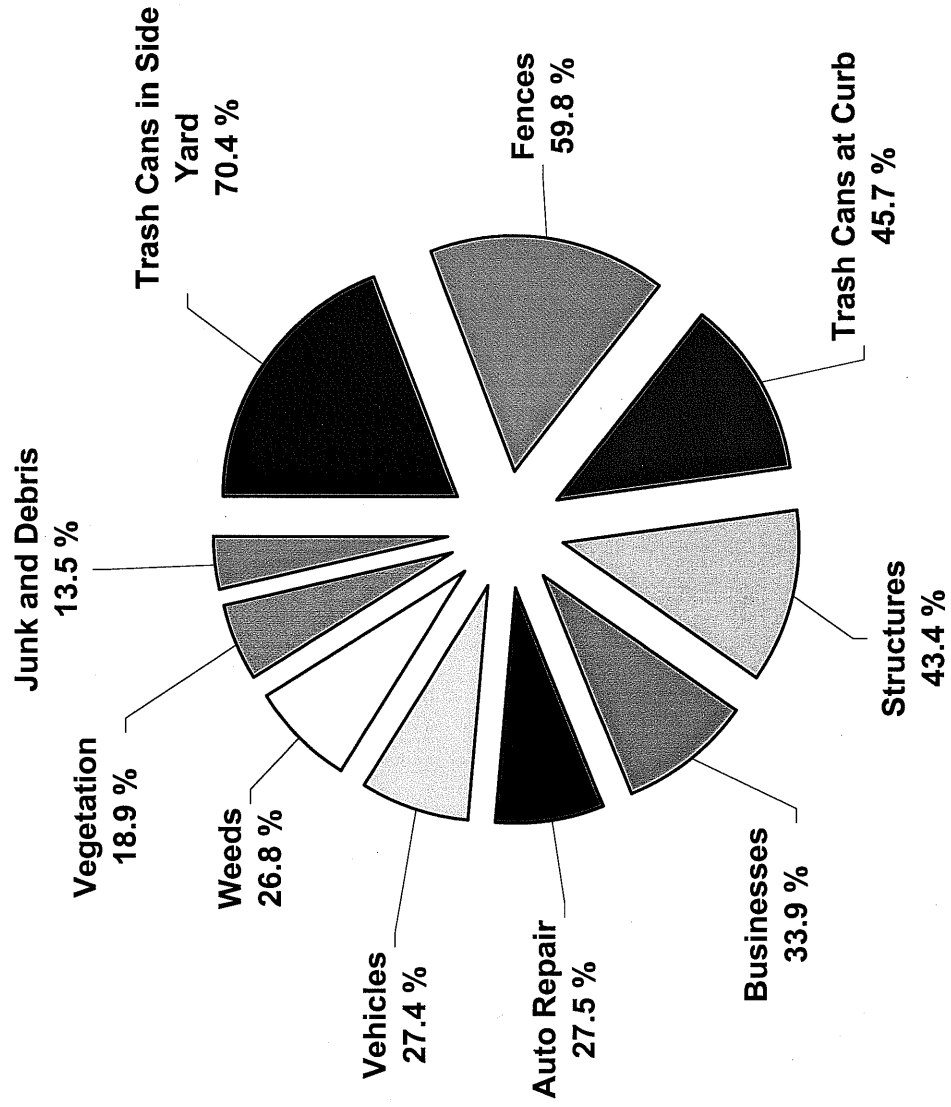


# **ATTACHMENT D**



## 2006 Code Enforcement Survey

Low and Not a Priority Issues



# **ATTACHMENT E**

## 2006 Code Enforcement Survey

Write-in Issues	Number of responses	%
Shopping carts	14	8%
Weeds	10	6%
Speeding cars	10	6%
Cars per household cluttering street	10	6%
Graffiti	8	5%
Barking dogs	8	5%
Parking large vehicles (commercial,RVs, etc.) in neighborhood	7	4%
Parking on street past 72 hours	6	4%
Dilapidated/unmaintained house	5	3%
Late night noise	5	3%
Branches/shrubs overhanging sidewalks	5	3%
Dogs w/out leashes	4	2%
Illegal parking (in front of fire hydrant, blocking driveways)	5	3%
Not picking up after pets	3	2%
Loud car stereos	3	2%
Garbage cans left in public view	3	2%
Illegal businesses	3	2%
Auto repair in street	2	1%
Street cleaning	2	1%
Cars "stored" in driveway	2	1%
Tree protection (especially mature trees)	3	2%
Lack of landscaping in yard (ie. just dirt for lawn)	2	1%
Overgrown vegetation	2	1%
Casual labor solicitation (in front of Home Depot)	2	1%
Number of people per house	3	2%
Unleveled yard	1	1%
Jaywalking	1	1%
Multiple cars at one residence	1	1%
Not replacing cut trees	1	1%
Picking through trash/recycling bins	1	1%
Increased garbage collection and cleanup Downtown	1	1%
Cleanup of broken windows and doors in Downtown buildings	1	1%
Taking holiday décor down	1	1%
Sidewalk repair	1	1%
City trees causing property damage	1	1%
Littering	2	1%
Curb numbers/colors	1	1%
Junk in yards	1	1%
Street repair	1	1%
Noise from delivery trucks (loud running engines)	1	1%
Fences not on property line	1	1%
Exterior paint colors on homes	1	1%
Garage sales (limit how many per year)	1	1%

Overgrown backyards	1	1%
Tree required for every home -I have a problem with this.	1	1%
Construction on weekends/late hours	1	1%
Leafblowers on weekends	1	1%
Parking inoperable vehicles on street	1	1%
Animal control	1	1%
Loud music from homes	1	1%
Large trees blocking business signs	1	1%
Loud motorcycles	1	1%
Noise from bar (Club Ronda)	1	1%
Excess animal noises	1	1%
Business display signs should be in english only	1	1%
Cars unregistered backed into driveway	1	1%
Vehicle use that is not street legal (mini motorcycles)	1	1%
Junk & debris left on street	1	1%
Running red lights	1	1%
Public drinking	1	1%
Toys/bikes blocking sidewalk	1	1%
Auto repair in driveway	1	1%
Parking wrong way on wrong side of street	1	1%
Power generator operational noise	1	1%
Illegal rentals (residential conversion to rental)	1	1%
Racist peace officers	1	1%
Loitering	1	1%
Living in RV/Trailer	1	1%

Total 171

Suggestions
1. Place trash cans around to encourage picking up after pet
2. Dog park needed in Fairwood
3. Speedbumps in long, straight streets in Lakewood
4. Provide code compliance education to residents
5. Nuisance tax for weedy yards, imposing fines
6. Lighted speed limit signs in park, school areas
7. 72 hr parking ordinance needs to be stricter
8. Make landlords more responsible for upkeep of landscaping
9. More places for kids/teens to go (ie. mall)
10. Permanent signs that say, "no parking on days street is being cleaned"
11. Power wash Murphy Avenue
12. Grandfather clause for sheds
13. Support Hendy access ramp development
14. Get rid of trees with sticky, prickly balls
15. Establish nuisance tax on rentals

# **ATTACHMENT F**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYVALE AMENDING SECTION 8.16.050  
(SOLID WASTE CONTAINERS) AND SECTION 19.38.030  
(RECYCLING AND SOLID WASTE ENCLOSURES) OF THE  
SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS  
FOLLOWS:

SECTION 1. SECTION 8.16.050 AMENDED. Section 8.16.050 of the Sunnyvale  
Municipal Code is hereby amended to read as follows:

**8.16.050. ~~Enclosure of solid~~ Solid waste containers.**

It is unlawful to permit any solid waste or recycling container to remain in public view from any public right-of-way in any R-0, R-1, R-1.5, R-1.7/PD or R-2 district ~~except as is necessary to accommodate scheduled curbside pick-up as hereinafter defined. Containers unless the container is stored in the side yard of the premises behind the face of the house.~~ For scheduled curbside pick-up, containers are permitted in public view ~~only~~ during the fifty-four-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at six a.m. on the day following such pick-up.

SECTION 2. 19.38.030 AMENDED. Section 19.38.030 of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.38.030. Recycling and solid waste enclosures.**

- (a) General Requirements. [Text unchanged]
- (b) Residential Development.
  - (1) Single-family and multifamily uses of three or fewer units shall store recycling and solid waste containers so that they are either screened from public view from the public right-of-way or stored in the side yard of the premises behind the face of the house. Containers may remain in public view for purposes of collection in accordance with Chapter 8.16.
  - (2) Multifamily uses of four or more units shall provide recycling and solid waste enclosures for the storage of recyclable materials, solid waste, and refuse.
    - (A) Recycling and solid waste enclosures shall be constructed of wood or masonry compatible with the main structure.
    - (B) Recycling and solid waste enclosures shall be located within one hundred fifty feet from any unit unless otherwise approved by the director of community development.
- (c)-(e) [Text unchanged.]

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 4. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 7. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2006, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2006, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney